IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

E.V. DRAKE,)
Plaintiff,)
vs.) No. 3:21-CV-1751-K-BH
STATE FARM MUTUAL)
AUTOMOBILE)
INSURANCE COMPANY, et al.)
)
Defendants.)

ORDER OF THE COURT ON RECOMMENDATION REGARDING REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal is **DENIED** because the Court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the Court incorporates by reference the magistrate judge's order filed in this case on July 30, 2021 (doc. 74). Based on that order, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request for leave to proceed *in forma pauperis* on appeal also is denied because the plaintiff is subject to a sanctions order prohibiting him from filing any civil action in this Court "without prepaying the requisite filing fees and obtaining leave from a district judge in this court." *Drake v. Safeway, Inc., et al.*, No. 3:20-CV-344-N-BH, doc. 21 (N.D. Tex. Apr. 13, 2020).
 - (X) Although this Court has denied leave to proceed in forma

pauperis on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SO ORDERED.

Signed September 10th, 2021.

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UNITED STATES DISTRICT JUDGE